REMARKS

This is in response to the Office Action dated June 30, 2008.

The DV encoder (103) and the MPEG encoder (104) in amended claim 1 are supported by Fig. 1, and page 11, lines 7-11 in the specification.

The recording-mode-related section (110a) in amended claim 1 is supported by Fig. 2, and page 17, line 13 to page 18, line 3 in the specification.

The first controller (111) in amended claim 1 is supported by Fig. 2, the steps S301, S311, S312, and S316 in Fig. 3, and related descriptions in the specification in the present application. Fig. 2 and related descriptions show that the CPU 111 responds to the selection signal outputted by the recording-mode-related section 110a, and the CPU 111 controls the switch SW2 to select either DV data or MPEG data. The flowchart in Fig. 3 is equivalent to operation of the CPU 111. The steps S301, S311, S312, and S316 in Fig. 3, and related descriptions indicate that the control of the switch SW2 by the CPU 111 is based on the selection signal outputted by the recording-mode-related section 110a.

The fixed-pattern data generating means (112c) in amended claim 1 is supported by Fig. 2, and page 16, lines 1-18 in the specification.

The second controller (111) in amended claim 1 is supported by Fig. 2, the steps S302, S313, S314, S315, S317, S318, and S319 in Fig. 3, and related descriptions in the specification in the present application. Fig. 2 and related descriptions show that the CPU 111 responds to the selection signal outputted by the output-change-related section 110b, and the CPU 111 controls the adjustment data generator 112c. The flowchart in Fig. 3 is equivalent to operation of the CPU 111. The steps S302, S313, S314, S315, S317, S318, and S319 in Fig. 3, and related descriptions indicate that the

control of the adjustment data generator 112c by the CPU 111 is based on the selection signal outputted by the output-change-related section 110b.

Claims 1, 4, and 7 stand rejected as being anticipated by Tsutsui (US 6,049,517).

The features of amended claim 1 are a DV encoder (103) for encoding original data into DV-format AV data in a DV encoding procedure, an MPEG encoder (104) for encoding original data into MPEG-format AV data in an MPEG encoding procedure, a recording-mode-related section (110a) for selecting an AV data recording mode of operation from a DV-format mode and an MPEG-format mode, output data type designating means (110b) for designating a type of encoding about the AV data outputted by the outputting means (112d, 112e) among different types corresponding to the DV and MPEG encoding procedures respectively, and fixed-pattern data generating means (112c) for generating AV data including either DV dummy data or MPEG dummy data. Furthermore, the features of amended claim 1 are that the second selecting means (SW3) is controlled to select the AV data generated by the fixed-pattern data generating means and including one of the DV dummy data and the MPEG dummy data which corresponds to the encoding type designated by the output data type designating means (110b) when the encoding procedure related to the AV data selected by the first selecting means (SW2) does not correspond to the encoding type designated by the output data type designating means (110b).

Tsutsui (US 6,049,517) does not teach the DV encoder (103) and the MPEG encoder (104) in amended claim 1. It is submitted that the ATC encoder 63 and the encoder 65 in Tsutsui differ from a DV encoder and an MPEG encoder.

The recording-mode-related section (110a) in amended claim 1 is not taught by Tsutsui. In amended claim 1, the recording-mode-related section (110a) operates for selecting an AV data recording mode of operation from a DV-format mode and an

MPEG-format mode. Since Tsutsui teaches neither a DV format nor an MPEG format, the recording-mode-related section (110a) in amended claim 1 could not be disclosed by Tsutsui.

Regarding the first selecting means (SW2) in claim 1, the Examiner refers to Tsutsui, Fig. 13, S102, Col 25 Ln42-Col 26 Ln 15. These portions of Tsutsui relate to operation of the system controller 57. The first selecting means (SW2) in amended claim 1 is distinguished from the system controller 57 of Tsutsui for the following reason. In amended claim 1, the first selecting means (SW2) is controlled by the first controller (111). Specifically, the first controller (111) controls the first selecting means (SW2) based on the selecting by the recording-mode-related section (110a). If the controller 57 of Tsutsui corresponds to the first selecting means (SW2), there is needed a device corresponding to the first controller (111) and controlling the controller 57. Such a device is not disclosed in Tsutsui. Therefore, the first controller (111) in amended claim 1 is not taught by Tsutsui.

As previously mentioned, Tsutsui does not teach the recording-mode-related section (110a) in amended claim 1. In amended claim 1, the first selecting means (SW2) is controlled by the first controller (111) based on the selecting by the recording-mode-related section (110a). Since the recording-mode-related section (110a) and the first controller (111) are not taught by Tsutsui, the first selecting means (SW2) could not taught by Tsutsui also.

The Examiner alleges that the fixed-pattern data generating means (112c) in claim 1 is disclosed in Tsutsui, Col 2 Ln 66-Col 3 Ln7. The fixed-pattern data generating means in amended claim 1 operates for generating AV data including either DV dummy data or MPEG dummy data. The DV dummy data corresponds to the DV encoding procedure. The MPEG dummy data corresponds to the MPEG encoding procedure. As mentioned in Col 2 Ln 66-Col 3 Ln7 in Tsutsui, the bits are divided into a fixed pattern allocation fixed for each band or each small block and a bit allocation

portion dependent on the amplitude of the signal in each block. This portion of Tsutsui does not teach selective generation of the DV dummy data corresponding to the DV encoding procedure and the MPEG dummy data corresponding to the MPEG encoding procedure. Therefore, the fixed-pattern data generating means (112c) in amended claim 1 is not disclosed in Tsutsui.

Regarding the second selecting means (SW3) in claim 1, the Examiner refers to Tsutsui, Fig. 13, S102, Col 25 Ln42-Col 26 Ln 15. Those portions of Tsutsui relate to the operation of the system controller 57. The second selecting means (SW3) in amended claim 1 is distinguished from the system controller 57 of Tsutsui for the following reason. In amended claim 1, the second selecting means (SW3) operates for selecting one from the AV data selected by the first selecting means (SW2) and the AV data generated by the fixed-pattern data generating means (112c). The AV data selected by the first selecting means (SW2) includes either the DV-format AV data or the MPEG-format AV data. The AV data generated by the fixed-pattern data generating means (112c) includes either the DV dummy data or the MPEG dummy data. It is submitted that the system controller 57 of Tsutsui does not receive DV dummy data, MPEG dummy data, DV-format AV data, and MPEG-format AV data. Therefore, the second selecting means (SW3) in amended claim 1 is distinguished from the system controller 57 of Tsutsui, and is not disclosed in Tsutsui.

The Examiner alleges that the output data type designating means (110b) in claim 1 is disclosed in Tsutsui (Fig. 4, 59 and Fig. 15, S203 and S204; Col 13 Ln 9-22 and Col 26 Ln 16-64). The output data type designating means (110b) in amended claim 1 operates for designating a type of encoding about the AV data outputted by the outputting means (112d, 112e) among different types corresponding to the DV and MPEG encoding procedures respectively. It is submitted that Tsutsui fails to teach DV and MPEG encoding procedures. Therefore, Tsutsui does not teach the output data type designating means (110b) in amended claim 1.

The Examiner alleges that the deciding means (111) in claim 1 is disclosed in Tsutsui (Fig. 4, 57 and Fig. 15, S203 and S204; Col 17 Ln 24-50). The deciding means (111) in amended claim 1 operates for deciding whether or not the encoding procedure related to the AV data selected by the first selecting means (SW2) corresponds to the encoding type designated by the output data type designating means (110b). As previously mentioned, Tsutsui does not teach the first selecting means (SW2) and the output data type designating means (110b) in amended claim 1. Therefore, Tsutsui fails to teach the deciding means (111) in amended claim 1.

The Examiner alleges that the controlling means (111) in claim 1 is disclosed in Tsutsui (Fig. 4, 57, Col 17 Ln 24-50). It appears that the Examiner thinks the system controller 57 in Tsutsui corresponds to the controlling means (111) in claim 1. The third controller (111) in amended claim 1 which originates from the controlling means (111) operates for controlling the second selecting means (SW3). As previously mentioned, Tsutsui does not teach the second selecting means (SW3). Therefore, Tsutsui likewise fails to teach the third controller (111) in amended claim 1.

As explained above, Tsutsui discloses none of the DV encoder (103), the MPEG encoder (104), the recording-mode-related section (110a), the first selecting means (SW2), the fixed-pattern data generating means (112c), the second selecting means (SW3), the output data type designating means (110b), the deciding means (111), and the third controller (111) in amended claim 1. Therefore, amended claim 1 is not anticipated by Tsutsui.

Amended claim 4 depends from amended claim 1. Therefore, amended claim 4 is not anticipated by Tsutsui.

Amended claim 7 has a subject matter similar to that of amended claim 1. Therefore, it is likewise submitted that amended claim 7 is not anticipated by Tsutsui.

Claims 2, 3, 5, 6, and 8-10 stand rejected as unpatentable over Tsutsui (US 6,049,517) in view of Tateyama (US 6,018,816).

As per claim 5, the Examiner refers to Tateyama, Col 25 Ln 17-27. This portion of Tateyama discloses that a ROM 74 contains at least one decoding program for at least one of DV and MPEG. Thus, Tateyama teaches a DV decoder and an MPEG decoder rather than a DV encoder and an MPEG encoder.

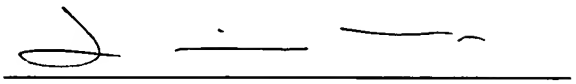
It is therefore submitted that Tateyama teaches none of the DV encoder (103), the MPEG encoder (104), the recording-mode-related section (110a), the first selecting means (SW2), the fixed-pattern data generating means (112c), the second selecting means (SW3), and the output data type designating means (110b) in amended claim 1. As explained above, Tsutsui teaches none of the DV encoder (103), the MPEG encoder (104), the recording-mode-related section (110a), the first selecting means (SW2), the fixed-pattern data generating means (112c), the second selecting means (SW3), and the output data type designating means (110b) in amended claim 1. Therefore, it is submitted that amended claims 2 and 3 and claim 6, which depend from amended claim 1, are patentable over Tsutsui and Tateyama.

Amended claims 8 and 9 have limitations similar to the above-mentioned limitations in amended claim 1 which are taught by neither Tsutsui nor Tateyama. Therefore, amended claims 8 and 9 are believed to be patentable over Tsutsui and Tateyama.

Amended claim 10 depends from amended claim 9. Therefore, amended claim 10 is patentable over Tsutsui and Tateyama.

In view of the foregoing, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



Louis Woo, Reg. No. 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, Virginia 22314
Phone: (703) 299-4090

Date: Sept 29, 2008